

October 29, 2003

Clifford D. Clark  
608 Morris Avenue  
Glassboro, NJ 08028

Re: Industrial Material Handling Systems, Inc.  
Case 4-RD-1973

Dear Mr. Clark:

The above-captioned case petitioning for an investigation and certification of representative under Section 9(c) of the National Labor Relations Act, as amended, has been carefully investigated and considered.

As a result of the investigation, I find that further proceedings are unwarranted. The petition in this matter was timely filed on April 10, 2003. Processing of the petition was blocked by a charge in Case 4-CA-32049, filed on April 8, 2003, alleging that the Employer, Industrial Material Handling Systems, Inc., Debtor-in-Possession, violated Section 8(a)(1) and (5) of the Act by failing and refusing to bargain with the Union, Teamsters Local 107 a/w International Brotherhood of Teamsters, AFL-CIO. It was concluded that the charge in Case 4-CA-32049 had merit and a Complaint issued on May 28, 2003, alleging, inter alia, that the Employer had, since January 28, 2003, failed and refused to meet and bargain with the Union in the unit which is the subject of the petition. The Employer's refusal to bargain with the Union preceded the filing of the petition in the instant case. Subsequent to the issuance of the Complaint in Case 4-CA-32049, the Employer and the Union entered into a non-Board settlement pursuant to which the Employer agreed to meet and bargain with the Union and the Union agreed to withdraw the charge in Case 4-CA-32049, conditioned on the Employer fulfilling its obligations under the non-Board settlement. In view of the parties' non-Board settlement agreement in Case 4-CA-32049, I am dismissing the petition in this matter. *Liberty Fabrics*, 327 NLRB 38 (1998); *Douglas-Randall, Inc.*, 320 NLRB 431 (1995); *Poole Foundry*, 95 NLRB 34 (1951), enfd. 192 F.2d 740 (4<sup>th</sup> Cir. 1951), cert. denied 342 U.S. 954 (1952).

Pursuant to the National Labor Relations Board Rules and Regulations, you may obtain a review of this action by filing a request therefor with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, DC 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business on **October 31, 2003**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such

request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph.

Very truly yours,

DOROTHY L. MOORE-DUNCAN  
Regional Director

cc:

Lester A. Heltzer, Executive Secretary, NLRB, Washington, DC 20570

Bo Dryden, Industrial Material Handling, 8436 Enterprise Avenue, Philadelphia, PA 19153

Walter H. Flamm Jr., Esquire, Flamm, Boroff & Bacine, P.C., 925 Harvest Drive,  
Blue Bell, PA 19422

Dan Bosak, Teamsters Local 107, 2845 Southampton Road, Philadelphia, PA 19154

Thomas H. Kohn, Esquire, Markowitz & Richman, 121 S. Broad Street, 11th Floor,  
Philadelphia, PA 19107

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